

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Ronald Kirk Brown,

Plaintiff,

v.

Case No. 16-11837

Steve Rivard, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER ADOPTING
2/13/19 REPORT AND RECOMMENDATION

On May 12, 2016, Plaintiff Ronald Kirk Brown (“Plaintiff”), a prison inmate in the custody of the Michigan Department of Corrections, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. Thereafter, the Court referred the matter for pretrial proceedings before Magistrate Judge Steven Whalen.

Brown’s complaint named the following seven Defendants: 1) Warden Steve Rivard; 2) C/O Siefker; 3) C/O Kellog; 4) RN Sounder; 5) Librarian Bugbee; 6) Grievance Coordinator Kathleen Sheet-Parsons; and 7) Assistant Deputy Warden Kelly Barnett.

Defendants Rivard, Kellog, Bugbee, Sheet-Parsons, and Barnett have since been dismissed from this action without prejudice under 42 U.S.C. § 1997e(a). (ECF No. 28).

On June 28, 2018, the two remaining Defendants, Siefker and Sounders, filed a Motion for Summary Judgment. (ECF No. 42). The magistrate judge ordered Plaintiff to file his response to that motion no later than August 13, 2018. (*See* ECF No. 43).

Plaintiff filed a response to the motion on August 2, 2018 (ECF No. 46), and his filing

consisted of 157 pages.

On February 13, 2019, the magistrate judge issued a Report and Recommendation (“the R&R”) wherein he recommends that this Court grant the summary judgment motion filed by Defendants Siefker and Souders and dismiss those two Defendants with prejudice. (ECF No. 50). That R&R expressly advised the parties that “[a]ny objections to this Report and Recommendation must be filed within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2).” (R&R at 12). The R&R also advised that the “[f]ailure to file *specific objections* constitutes a waiver of any further right to appeal.” (*Id.*) (emphasis added).

Plaintiff did not file any objections and the time for doing so has passed.

The Court notes that, *after* the summary judgment motion briefing had concluded, and *after* the magistrate judge has issued his R&R, Plaintiff filed: 1) a declaration; 2) another¹ motion seeking appointment of counsel; and 3) another brief in response to the summary judgment motion. None of those filings constitute objections to the magistrate judge’s R&R. Indeed, they make no reference to the R&R whatsoever.

Accordingly, the Court hereby **ADOPTS** the February 13, 2019 R&R, **GRANTS** the summary judgment motion filed by Defendants Siefker and Sounder and **DISMISSES the claims against Siefker and Sounders with prejudice.**

¹The magistrate judge previously denied Plaintiff’s request for the appointment of counsel. (ECF No. 47).

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: March 11, 2019